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AN  
APPENDIX  
TO THE  
MINUTES

Taken at a  
Court-Martial,

Appointed to  
ENQUIRE into the CONDUCT  
OF  
Captain RICHARD NORRIS;

Containing  
The Result of the said COURT-MARTIAL,  
Copies of the Depositions of all the Lieutenants,  
Masters, Boatswains, and Midshipmen;

Together with LETTERS to and from  
Admiral ROWLEY, Captain NORRIS,  
And several other OFFICERS.

Which Proceedings were voted by the Hon. House  
of Commons to be partial, arbitrary, and illegal.

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M.DCC.XLV.

[ Price One Shilling. ]

AN  
APPENDIX

TO THE  
MINUTES

OF THE  
COUNCIL-MINISTERS

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# APPENDIX to the MINUTES

Taken at a

## COURT-MARTIAL

Appointed to enquire into the Conduct of Captain *Richard Norris*.

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*Copy of the Result of the Court-Martial.*

**A**T a court-martial assembled on board his majesty's ship *Torbay*, in *Mahon* harbour, began the 28th of January 1744, and continued by adjournments to the 5th of February following, by order of the right hon. the lords commissioners of the Admiralty, bearing date the 28th of November 1744. directing the court to enquire into the conduct and behaviour of captain *Richard Norris*, late in his majesty's service, and commander of his majesty's ship the *Essex*, on account of a letter sent to their lordships from the said capt. *Richard Norris*, complaining of false aspersions having been thrown on his character in regard to his conduct on the 11th of February last.

Present, *William Rowley*, Esq; vice-admiral of the blue squadron of his majesty's fleet, and

commander in chief of his majesty's ships and vessels employed in the Mediterranean.

President.

John Gascoigne,	} Capt.	James Lloyd,
Hen. Osborne,		Matthew Michell,
Thomas Fox,		Robert Pett,
Charles Watson,		Cha. Wager Purvis,
Thomas Cooper,		Robert Maynard,
Hon. Geo. Townsend,		Richard Hughes,
Joseph Lingen,	} Secy.	James Hodfoll,
Cha. Drummond,		Richard Watkins,
Hon. Geo. Murray,		Richard de L'Angle,
William Dilk,		John Watkins,
Thomas Pye,		Giles Rich. Vanburgh,
John Lovett,		John Wilson,
Edward Strange,		Hon. Will. Farmer,

Being all duly sworn,

The court proceeded, agreeable to the lords of the Admiralty's order bearing date the 28th of November 1744, to enquire into the conduct and behaviour of the said captain Norris in the engagement between the English fleet, under the command of admiral Mathews, and the united fleet of French and Spaniards in the Mediterranean, on the aforesaid 11th Day of February last, and after having heard admiral Rowley's letter to captain Norris, acquainting him he had received orders from the lords of the admiralty to enquire into his conduct and behaviour on the 11th day of February as aforesaid; as also captain Norris's letter to captain Hughes, desiring he would call all his officers and ship's company together, to ask them if any of them had any thing to say against captain Norris, on the day of action



action as aforesaid; and further, a letter directed to admiral Rowley, bearing date the 8th of January 1744. signed by Hugh Palliser first lieutenant, Hamilton Gore third lieutenant, Joseph Peyton fourth lieutenant, Joseph Myers master, William Sutherland lieutenant of marines, James Stewart master's mate, William Wilson, Alexander Christie, Anthony Stanley, John Rayner, Henry Costabadie, Thomas Townley, Jonathan Brown, midshipmen, Thomas Howard quarter-master, and George Ward Trimoneir, all belonging to his majesty's ship *Essex*, offering to appear in regard to captain Norris's conduct and behaviour as beforementioned; as also, a letter from captain Norris, bearing date the 18th of January 1744, desiring Mr. Jekyll, second lieutenant of the *Essex*, may be ordered to appear at the court-martial, and a letter from mr. Jekyll of the same date; and further, an order from admiral Rowley to the said lieutenant Jekyll to attend at the court-martial.

The court ordered the said lieutenant Jekyll to be called, and the president ordered the judge-advocate to swear him, but he refused to be sworn; upon which every body was ordered to withdraw. The court having debated within themselves whether they could oblige him to be sworn, it was the opinion of the court they could not oblige him to do it; and being called in a second time, he was asked if he would be sworn; which he refusing again, he was order'd to withdraw and attend.

Then the court farther proceed to call in those who had given in their depositions, which being read and severally examined, and those persons brought

brought by captain Norris before the court, being likewise severally examined upon oath, by captain Norris and the court, and two depositions taken before the vice-judge of the admiralty at this port, and a letter delivered in by captain Norris in his own defence :

The court thought proper to order captain Thomas Knowler and lieutenant Hale to attend the court, who being duly sworn, were also examined; and after mature deliberation upon the whole a motion being made and seconded, that whereas captain Richard Norris, late commander of his majesty's ship Essex, is not in his majesty's service or pay, whether this court have any right or ought to determine the matter now before them, but transmit the whole proceedings of this enquiry to the right honourable the lords commissioners of the admiralty? It is therefore the opinion of the court, that the whole proceedings of this enquiry, should be sent home to the right hon. the lords commissioners of the admiralty, and that they should come to no farther resolution upon it.

William Rowley,

J. Gascoigne,  
Hen. Osborn,  
Joseph Lingen,  
Charles Drummond,  
Thomas Fox,  
Charles Watson,  
T. Cooper,  
George Townsend,  
Edward Strange,  
James Lloyd,  
Mathew Mitchell,  
Robert Pett,  
C. W. Purvis,

R. Maynard,  
R. Hughes,  
G. Murray,  
William Dilk,  
Thomas Pye,  
John Lovett,  
James Hodfall,  
R. Watkins,  
M. D'L'Angle,  
John Watkins,  
G. R. Vanburgh,  
John Wilson,  
William Farmor,



*Copy of a Letter from captain Richard Norris to  
Mr. Corbet, dated September 18, 1744.*

S I R,

**S**INCE admiral Mathews gave me leave to quit the command of his majesty's ship the Effex for the recovery of my health, such false aspersions have been thrown on my character in regard to my conduct on the 11th of February last, as gives me the greatest surprize and concern; but being now pretty well recovered, I have apply'd to admiral Rowley for a court-martial to enquire into that matter, but as I have no command at present, he is of opinion that he cannot grant me that favour without their lordships order.

In the few years I have had the honour to command in his majesty's service, some things have happily fallen into my way, which I think may protect any man from the imputation of cowardice. I hope their lordships will consider, that it is impossible an officer can expect to serve, or indeed wish to live under so scandalous an aspersion: I must therefore beg of you, sir, earnestly to move their lordships to consider the unhappy situation I am now in for want of an opportunity to remove that infamy, which malice and falshood have thrown upon me, and that they would therefore grant an order to admiral Rowley to hold a court-martial on my conduct on the 11th of February, by which I doubt not of such an acquittance, as will justify my pretensions to their lordships farther favour. This, sir, is the only place where a proper enquiry can be made, as all my evidences

are

are here, and may continue so for many years. I hope their lordships will consider the importance of my request; it is not merely an order to be restored to a command, but to justify my character, without which, not only a command, but life itself would be dishonourable.

In expectation of such an order (which if granted, I beg you would send with the utmost dispatch) I have the honour to serve as a volunteer in the fleet, as I hope there is a probability of action, and that I shall by that means have an opportunity of shewing the malice and falsity of my accusers, as well as my own zeal for his majesty's service. I am

Sir,

Your most obedient,

and most humble servant,

R. NORRIS.

Minorca, September 10, 1744. Marlboro'.

*Copy of an order from the commissioners of the admiralty to vice-admiral Rowley, to try captain Norris at a court martial.*

By the commissioners for executing the office of lord high admiral of Great-Britain, and Ireland, &c.

**W**HEREAS captain Richard Norris, late commander of his majesty's ship the *Essex*, has represented in his letter to our secretary, dated the 18th. of September at Minorca, that false aspersions have been thrown on his character



racter, in regard to his conduct on the 11th of February last; and that he had apply'd to you for a court martial to enquire into that matter; but that you was of opinion, as he has no command at present, you could not grant it without an order; and therefore praying, as all his evidences are in the Mediterranean, that we will grant an order to you to hold a court-martial to enquire into his conduct on the aforesaid day; we herewith transmit to you an attested copy of captain Norris's said letter, and do hereby require and direct you to assemble a court martial to enquire into his conduct and behaviour in the engagement between the English fleet under the command of admiral Matthews, and the united fleet of French and Spaniards in the Mediterranean, on the aforesaid 11th day of February last, for which this shall be your warrant. Given under our hands, this 28th of November, 1744.

Winchelsea.

John Cockburne.

John Phillipson.

To William Rowley, esq; vice admiral of the blue, and commander in chief of his majesty's ships and vessels in the Mediterranean.

By command of their Lord ships,

T. CORBETT.

B

Copy

*Copy of a letter from vice-admiral Rowley to captain Norris, dated the 6th of January, 1744.*

*Torbay, Mabon-Harbour,  
January 6, 1744.*

SIR,

I Yesterday received an order from the right honourable the lords commissioners of the admiralty, bearing date the 28th of November last, inclosing a copy of your letter to their lordships, of the 18th of September, complaining of false aspersions laid on your character in regard to your behaviour in the late engagement with the French and Spaniards on the 11th of February last. I am to acquaint you, that in their Lordships they have directed me to enquire into your conduct at a court martial of your behaviour in the said engagement ; and therefore desire you will transmit to me the names of such persons as you apprehend have aspers'd your character, that I may give them proper notice to appear on the day I shall appoint the court martial. I am,

Sir, your very humble servant,  
W. ROWLEY.

*Copy of captain Norris's letter to captain Hughes, inclosing a copy of vice-admiral Rowley's letter to him, forwarded to captain Hughes by captain Norris, and read to the officers and ship's company of his majesty's ship Essex, the 8th of January, 1744.*

Dear Sir, *Allayore, January 7, 1744.*

I Inclosed is a letter that I received this morning from admiral Rowley ; I must desire that you would read it to the officers and ship's com-



company; and to ask them publickly, if any of them have any thing to alledge against my behaviour in the engagement on the 11th of February last.

Please to order your clerk to take the names of those persons who shall asperse my character, that I may transmit your letter to admiral Rowley, who you see, by the inclosed letter, is directed by the lords commissioners of the admiralty to enquire into my character. I am,

Sir, your most faithful humble servant,

R. NORRIS.

*Torbay, Mabon-Harbour,  
January 6, 1744.*

SIR,

**I** Yesterday received an order from the right honourable the lords commissioners of the admiralty, bearing date the 28th of November last, inclosing a copy of your letter to their lordships of the 18th of September, complaining of false aspersions laid on your character of your behaviour in the late engagement with the French and Spaniards, on the 11th of February last. I am to acquaint you, that in their lordships said order they have directed me to enquire into your conduct at a court martial of your behaviour in the said engagement, and therefore desire that you will transmit to me the names of such persons, as you apprehend have aspersed your character, that I may give them proper notice to appear on the day I shall appoint the court-martial. I am,

Sir, your very humble servant,  
W. ROWLEY.

*Copy of a letter from captain Hughes to captain Norris, dated the 18th of January, 1744.*

SIR, *Essex, Mabon, January 8, 1744.*

I AM favoured with your letter of the 7th instant, inclosing the copy of vice-admiral Rowley's of the 6th, both which I have caused to be read to the officers and company of his majesty's ship *Essex*, under my command; and have likewise directed my clerk to receive the names of such persons who may give them in, agreeable to the request of your own letter.

I am, &c.

R. HUGHES.

*Copy of a letter from several officers on board the Essex to vice-admiral Rowley, dated the 8th of January, 1744.*

SIR, *Essex, Portmabon, Jan. 8, 1744.*

WE having this day heard a copy of a letter from you to captain Norris, publicly read to this ship's company; in which you signify to him that you have an order from the right honourable the lords commissioners of the admiralty to hold a court-martial, to enquire into his behaviour and conduct in the engagement against the French and Spaniards on the 11th of February, we think it incumbent on us whose names are hereunto subscribed, to offer ourselves as witnesses, in order to do justice between our king and country and captain Norris, at any time you please to appoint.

Hugh



Hugh Pallisser, 1st lieut.

Hamilton Gore, 3d lieut.

Joseph Peyton, 4th lt.

Jos. Myers, master.

Wm. Sutherland, lieut.  
of marines.

James Stewart, mate.

Wm. Wilson, } midship-

Alex. Christie, } men.

Anth. Stanley,

John Reynor,

H. Costabadie,

T. Townley,

Jona. Browne,

Tho. Howard.

Geo. Ward.

} midship-  
men.

*Copy of a letter from captain Norris to vice-admiral Rowley, dated the 18th of January, 1744.*

Honourable Sir,

I Should sooner have acknowledged your favour of the 6th instant, but have not been able to obtain a list of my accusers; but as I have been informed that several of the officers and people belonging to the Essex have offered to be witnesses relating to my conduct on the 11th of February, I desire they may be examined thereupon; and as lieutenant Jekyll is the chief person that has aspersed my character, as you will see by the inclosed, which is a copy of a letter he sent to admiral Mathews in July last, I desire that he may be ordered to appear at the court-martial, to answer to those scandalous aspersions he has therein thrown upon me.

I am,

Honourable Sir, &c.

R. NORRIS.

*Allypore, Jan. 18, 1744.*

*Copy*

*Copy of a letter from lieutenant Jekyll to vice-admiral Rowley, dated the 18th of January, 1744.*

SIR,

*Essex, in Mahon-harbour, Jan. 18, 1744.*

**W**HEREAS you have received orders from the right honourable the lords commissioners of the admiralty to inquire into captain Norris's conduct, during the engagement on the 11th of February with the French and Spaniards, to clear his character, as he pretends, from false aspersions:

I think it my duty to inform you of my having lodg'd an accusation against him in admiral Mathews's hands for his ill behaviour on that day; a copy of which I here take the liberty to inclose you, and offer again to appear at the court-martial as his accuser, if I can here be legally admitted as such. I am, &c.

EDWARD JEKYLL.

*Copy of a letter from captain Norris to vice-admiral Rowley, dated the 20th of January, 1744.*

Honourable SIR,

**A**S I have reason to believe that the evidence of captain Bentley (in regard to what passed between us when he came under my ship's stern on the 11th of February last) will be of consequence to me, I am to desire the favour of you to direct his attendance on the court for that purpose. I am,

Honourable Sir,

Your most obedient

And humble Servant,

*Allypore, Jan. 20, 1744.*

R. NORRIS.



*Copy of a letter from vice-admiral Rowley to lieutenant Jekyll, dated the 22d of January, 1744.*

By William Rowley, esq; vice-admiral of the blue squadron of his majesty's fleet, and commander of his majesty's ships and vessels employ'd in the Mediterranean.

**W**HEREAS I have received orders from the right honourable the lords commissioners of the admiralty, bearing date the 28th of November last, inclosing an attested copy of a letter, dated the 18th of September last, from captain Richard Norris, late commander of his majesty's ship the *Essex*, complaining of false aspersions being thrown on his character, in regard to his conduct on the 11th of February last; their lordships are pleased to direct me to assemble a court-martial, to enquire into his conduct and behaviour in the engagement between the English fleet under the command of admiral Mathews, and the united fleets of France and Spain, on the 11th of February last aforesaid. And whereas I have received a letter from captain Norris, dated the 18th instant, desiring that you may attend on the court-martial, which is to be held for that purpose: You are hereby required and directed to be ready to attend the court-martial on the day I shall think proper to appoint, to answer such questions as captain Norris and the court shall think proper to ask you.

( 16 )

you. Dated on board the Torbay, in Mahon-  
harbour, 22d of January, 1744.

WILLIAM ROWLEY,

To lieutenant Edward Jekyll,  
second lieutenant of his ma-  
jesty's ship the Essex.

By command of the admiral.

J. B. Morn.

*Copy of a letter from lieutenant Hale, lieutenant  
Ballett, lieutenant Moore, and lieutenant Hyde,  
belonging to the Marlborough, to vice-admiral  
Rowley, dated January 31, 1744.*

*Marlborough in Mahon Harbour,*

SIR, *January 31, 1744-5.*

**WE** understand that the court-martial now  
sitting are liable to be misled with regard  
to the station of the Essex during the late en-  
gagement, and that the just and honourable de-  
signs of the lieutenants of the Essex are in dan-  
ger of being baffled: We therefore beg the court  
will be pleased to examine us on that head, as  
we being the greatest sufferers by their not doing  
their duty, and in granting us that liberty, will  
greatly oblige,

SIR, Your most obedient humble servants,

J. Hale, Matth. Moore,  
J. Ballett, Fred. Hyde.

To the honourable William Rowley, Esq;

*Copy*



*Copy of a letter from lieutenant Palliffer, lieutenant Gore, and lieutenant Peyton, to vice-admiral Rowley, dated February 2, 1744.*

SIR,

*Essex, February 2, 1744.*

**T**HE result of the court-martial for enquiring into captain Norris's conduct in the late engagement, so greatly concerns our characters, as to embolden us to take this liberty to solicit the court with one request. We have not the same advantages which captain Norris's witnesses have, his accusers not being permitted to summons such other witnesses as would prove the truth of our depositions; therefore we humbly beg that we may have the privilege ourselves, that thereby the truth may appear before the court, and our characters remain without blemish. This we hope you will not think a presumption, our characters being so much at stake. We are, Sir, with the most profound respect,

Your most obedient humble servants,

Hugh Palliffer, Joseph Peyton.

Hamilton Gore,

To William Rowley, Esq; &c.

*Copy of a letter from captain Norris to vice-admiral Rowley, dated February 4, 1744.*

SIR,

**A**Ltho' so many evidences have been examined in regard to my conduct and behaviour on the 11th of February last, I think it is necessary for me to offer something in my own defence.

In the beginning of that day's action I brought to, according to the best of my judgment, as  
C much

much in the line as a ship could be, nor did I do that till the ship ahead of me brought to, upon which I was obliged to do so too. The ship I first engaged was, in my opinion, within reach of my guns, for I am very sure the *Essex* was very much within reach of hers, and after she bore away, there was none of the enemy's ships within gun-shot, which was the reason the *Essex* lay some time inactive; during that time I frequently proposed to Mr. Myres the master, to bear down, who was always positive in his opinion, that if we did so, we should be cut off and destroy'd; and I consulted with him and 3 of my lieutenants together on the same subject, and they were all of opinion, that I should not bear down. I can't recollect every step that was taken that day in regard to the sails, but my best endeavours were used to keep the ship in a line; nor could she be so far to windward as my accusers alledge, because immediately after her wearing she was really to leeward of the enemy.

It was very much my inclination to bear down to assist the *Marborough*; but after captain Bentley came under my stern, and desired my signal might be made, if the admiral would have me to do it, I thought I had great reason to believe, that the admiral would not have me bear down, because no such signal was made: and the personal civilities I received from him after the action, do not look as if he disapproved of my conduct therein.

I hope (from the distance of time between the action and their accusation) it will appear to the court, that this prosecution is the effect of malice, and carried on to revenge a quarrel of a private



vate nature, that happened more than five months after the engagement. Had they complained immediately against me, which (if their accusation had been true) they ought to have done, the evidence I should have called would have been more particular and circumstantial than it is possible for men to be at this distance of time, and hope the court will consider how great a disadvantage I am under upon that account.

Three of the lieutenants who have accused me, have long been piqued against me, having been obliged by admiral Mathews to ask my pardon in the most publick manner for their misbehaviour; several of the rest are petty officers, whom I justly disgraced, and who have expressed their malice against me upon that account; and others have often declared they had nothing to say against me, altho' they have since been prevailed upon to change their minds. Had the charge against me been true, sure it is strange that out of a 70 gun ship's company, no unprejudiced people, no greater number of witnesses could be found to support it, altho' they were always under the influence of my aspersers, and publick notice was given them all of my tryal.

I think it strange, that what they have alledged against my personal behaviour, should not, if true, be observed by any body but themselves. There are 50 people now on board, who were all in sight, that are ready to declare they observed a quite different behaviour in me; but I hope the court is convinced of that from the evidence they have already examined; and if it appear that they have misrepresented me on that head, I hope you will consider, that the same spirit of malice may

misrepresent the best man's conduct, especially when a long interval of time may put it out of his power to confute them by positive evidence.

I am very sensible of, and thankful for, the fair and impartial proceedings of the court, and have nothing farther to offer, but submit the whole to your deliberations.

Torbay, Febr. 4, 1744.

R. NORRIS.

*Copy of the deposition of lieutenant Hugh Pallisser, first lieutenant of the Essex.*

**H**ugh Pallisser, first lieutenant of his Majesty's ship the Essex, deposeth, That on Saturday the 11th of February last, from the time the admiral made the signal to engage, 'till sunset, the Essex never was within gun-shot of the enemy; for she hauled out of the line of battle when the Namur began the engagement, and then lay to windward (at least gun-shot) of the line.

The deponent further saith, That they began to fire when the admiral did; but he judging that they were too far off, came up on the quarter-deck to inform the captain thereof, who would not allow the deponent time to speak to him, but ordered him forward; saying, "For God's sake, Pallisser, go forward and help them to trim the head-sails;" (we being then luffing, and the foretop-sails in the wind.) When the deponent returned again on the quarter-deck, he was ordered down by the captain, who said to him, as he was offering to speak, "Go down to your quarters, Sir," which the deponent accordingly did, and found that by their having luffed so much, none of the starboard guns could be brought to bear on the enemy, upon which a mate came  
down



down with orders to cease firing, and to point the metal aft. The deponent says, that also by the luffing they brought the Dorsetshire to bear in the same manner as the enemy's ship did, and that some of the men mistook her for an enemy, and fired at her, which the deponent observing, stopped them 'till the smoak cleared away, and then discovered her blue ensign. In a short time after this, the deponent was sent for by the captain, to ask his advice, whether it was not better to stay where they were, than to bear down where there were five fresh ships of the enemy coming up? The deponent, after desiring a little time to look round him, answered, that if they did not go down to the assistance of the Marlborough, which then had lost her masts, she would certainly be destroy'd, or taken by them five ships. The deponent then looking about him, saw the Anne Gally fire-ship going down towards the Real, and then represented to the captain, the improbability of her ever doing any execution, if some ships did not go down to cover her from the aforesaid fireships, particularly the headmost, whose shot at that time flew very thick about her. This the deponent often repeated, to which the captain as often replied, " We must not go down, if we do, we shall be sunk and tore to pieces." The deponent represented to captain Norris, that if they would only bear down on the Real as the Dorsetshire, they should do execution upon her, as she was then going off in a disabled condition; but to this the captain made no answer, but seemed displeased with it.

Some time after, Mr. Bentley, one of the admiral's lieutenants, came under the stern, and told

told captain Norris, that if he did not bear down to the assistance of the Marlborough, she would be lost; to which he made no direct answer, but said, he should be tore to pieces. And the deponent then said to mr. Bentley, that captain Norris seemed to be afraid them five ships would be too many for us; to which mr. Bentley answered, that he had been on board the Dorsetshire, which was filling powder, and going down, and then went away; but the captain then whispered the deponent, That mr. Bentley did not say, it was the admiral's orders; to which the deponent answered, I hope the admiral is not kill'd.

The deponent further saith, that after sinking the fire-ship they bore away a little, and that then he went to the captain to ask him, whether he should go down and try a single shot? to which the captain answered, do Pallisser. Upon the deponent's firing one gun, the people were so eager that they fired several; upon which he received a message from the captain, at his peril to fire no more, for the shot fell short. After this some time, the deponent with the captain's leave try'd two several shot, both which he himself saw fall short.

At this distance the deponent saith, they kept from the enemy 'till sun-set, when the admiral wore, and they followed him and fired upon the enemy as they passed by them; which was the only time they were near enough to do execution.

The deponent further saith, that for the whole day, the captain never endeavoured to cheer or encourage the petty-officers and seamen to do their duty; but on the contrary appeared with a down-cast-dejected countenance, often crying



crying with a sigh, I wish it was over. And further this deponent saith not.

HUGH PALLISSER.

Sworn before me, on board  
his majesty's ship Essex,  
January 18, 1744.

J. B. Morn. Dep. J. A.

*Copy of the deposition of lieutenant Hamilton Gore,  
third lieutenant of the Essex.*

**H**AMILTON Gore, third lieutenant of his majesty's ship the Essex, deposeth, That on Saturday the 11th of February last, the said ship under the command of captain Norris, never was within gun-shot of the enemy 'till the evening; for the deponent often tried (as did several of the ship's company) and found the shot always fall short. He also addeth, that there was a general murmur among the men, because they did not go down to the assistance of the Marlborough; and moreover saith, that they were to windward much, of all the ships in the admiral's division. And further this deponent saith not.

HAMILTON GORE.

Sworn before me on board his  
majesty's ship the Essex,  
January 18, 1744.

J. B. Morn. Dep. J. A.

*Copy of the deposition of lieutenant Joseph Peyton,  
fourth lieutenant of the Essex.*

**J**OSEPH Peyton, fourth lieutenant of his majesty's ship the Essex, deposeth, That in the preparations for the engagement which happen'd the

the 11th of February last, captain Norris made all the dispositions, and took all the precautions that became a good officer; but when the fleets were closing for action he was quite dispirited, never speaking but with a melancholy and dejected tone, and shewing in all his actions the greatest signs of fear; of which the deponent is the more convinced, as he kept so far to windward of his station in the line of battle, not being for the whole day within gun-shot of the enemy.

The deponent also saith, that when the Namur and Marlborough bore down upon the Real, they in the Essex edged down a little, 'till they came about the distance of a random shot from the ship a-stern of the Spanish admiral, and then began to fire. After they had fired for some time, the deponent saw the Marlborough's masts go away, upon which he went on the quarter-deck to desire captain Norris to bear down to her assistance; to which he answered, If I go down, these five sail will tear me to pieces (meaning the five sail in the rear of the Spanish squadron) and we had better stay for the ships coming up a-stern. The deponent then said, The Marlborough was in the greatest danger of those five sail; and that if the Essex bore down to her she could be of great service to her. The captain then sent for mr. Pallisser to ask his advice; but while he was looking about to see the disposition of the enemy, mr. Bentley, one of the admiral's lieutenants came under the stern, and desired captain Norris to bear down to the assistance of the Marlborough; to which he answer'd, if it is the admiral's orders I will bear down among the



the middle of them, tho' they will tear me to pieces, and therefore I think it will be better to stay for the ships coming up a-stern, and then to go down together. The deponent does not remember what mr. Bentley said to this, only that he shrugg'd his shoulders and went away.

The deponent saith, that he has but a confused idea of what happened till they wore after the admiral, and as they haul'd the wind on the starboard-tack, captain Norris came into the weather-gangway, and stooping under the shelter of the hammocks, called out to the deponent, for God's sake to mind sails, expressing in all his behaviour the utmost terror; but this being the first time the men were within point blank of the enemy, their order was such, the deponent could not get them from the guns, but was oblig'd to take the marines from off the fore-castle, to haul the fore-bow-line, because the captain was most uneasy about the fore-sail, as it shook in the wind. The deponent further saith, that he often cast his eyes upon the captain, and to the best of his remembrance, he never stood erect, or left the place where he was 'till the firing ceased, nor ever encouraged the people, or shewed any marks of the commander; but on the contrary, put on a short shooting-jacket, and one of the purser's leather caps. And further this deponent saith not.

JOSEPH PEYTON.

Sworn before me, on board his majesty's ship  
the Essex, the 18th of Jan. 1744.

J. B. Morn. Dep. J. A.

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Mr

*Mr. Myre's (master of the Essex) deposition.*

**J**Oseph Myers, master of his majesty's ship Essex, deposeth, That on the morning of the 11th of February last, after the admiral had made the signal to engage, captain Norris shew'd all the signs of the utmost fear and dejection; and upon the deponent singing the famous Ninety-two, the captain said, it will be all over with us presently, we shall have no reason to sing; and then walked about sighing, and shewing in his face the greatest confusion; and notwithstanding an officer came from the admiral between eight and nine o'clock in the morning, with directions to him to keep the line as close as possible, yet after the action began, till sun-set, he never was in the line.

The deponent sayeth, that after the admiral began the engagement, captain Norris said to him, 'There will be the Dorsetshire and us for that ship a-stern of the Real;' to which the deponent said, the devil's in it if we be not enough for her ourselves. Then the captain edged down a little and began to fire, but presently after sprung his luff, which the deponent seeing, and that the shot fell short, told the captain that it was heaving powder and shot over board to fire any longer, and could answer no purpose; and upon his telling him so a second time he ordered all firing to cease, and then lay a considerable distance to windward of his station; the Dorsetshire and Rupert, the ships a-head and a-stern, being a great way to leeward of them.



them. When they had laid thus some time, the captain ordered a gun to be laid down, to see whether it could reach the enemy, and seeing it did not, try'd a second, but to no purpose, they both falling short. Then seeing the Ann galley fire-ship bearing down upon the Real, the captain sent for Mr. Pallisser to advise with him, what was best to be done; who, after he had looked about him, answered, that if they did not go down to cover the fire-ship, she must be sunk by the headmost of those fire-ships coming up; upon which the captain turned away from Mr. Pallisser, nor does the deponent remember that he gave him any answer.

The deponent farther says, that in the close of the evening when the admiral wore down among the enemy, the captain ordered him to tack, which the deponent, said 'Tack sir! the ship will not stay, we must wear after the admiral.' Then he ordered the helm a-weather; I ran forward and bid them hoist the jib. As soon as the ship was wore, and the yards braced, the deponent turned himself to the men at the guns, who continued firing, till they passed the enemy, which when they had done, he went a-cross to the captain in the starboard gangway, and told him all the enemy's shot fell a-stern of them. He then came out of the gangway, and the deponent said to him 'What would it have been if we had tacked? The captain said, 'I am very glad now, that we wore.'

The deponent further saith, that during the time they were running past the enemy, he never saw the captain on the quarter-deck, but al-

ways in the starboard gangway couching under the hammocks. And that further this deponent saith not.

J. MYERS.

Sworn before me on board his majesty's ship  
Effex, January 18, 1744.

J. B. Morn. Dep. J. A.

*Copy of the deposition of William Sutherland,  
lieutenant of marines.*

**W**illiam Sutherland, lieutenant of marines on board his majesty's ship the Effex, deposeth, That in the engagement on the 11th of February last, he observed, that all the shot which they fired, till the time they wore after the admiral in the evening, fell short of the enemy, the Effex being a considerable distance to windward of the Dorsetshire and Rupert, the ships next a-head and a-stern of her; that when the Marlborough lost her masts, the men on the forecastle (where the deponent commanded) were quite mutinous, because they could not go down to her assistance.

The deponent further saith, that, whenever he observed captain Norris, he appeared in the utmost confusion and quite dispirited. And further this deponent saith not.

WILLIAM SUTHERLAND.

Sworn before me on board his majesty's ship  
Effex, in Mahon harbour the 18th of January, 1744.

J. B. Morn. Dep. J. A.  
*Copy*



*Copy of the deposition of James Stewart, master's  
mate of the Essex.*

**J**AMES Stewart, master's mate belonging to his majesty's ship the *Essex*, deposeth, That on the 11th of February last, when the admiral began the engagement, the *Dorsetshire* and the *Essex* bore down upon the ship a-stern of the *Real*, and began to fire, the *Essex* being a considerable distance to windward of the *Dorsetshire* and *Rupert*, the ships a-head and a-stern of her; that when they had fired some time, the captain seeing all the shot fall short, sent the deponent down to the first lieutenant with directions to him at his peril to leave off firing, and not to begin again without directions from him, but to point two or three guns at different times to see whether they would reach, and which the deponent observed to fall short.

The deponent further saith, that the captain looked quite dispirited, and that he used no manner of means to encourage or hearten the people; and further this deponent saith not.

JAMES STEWART.

Sworn before me on board his majesty's ship  
*Essex*, the 18th of January 1744.

J. B. Morn. Dep. J. A.

*Copy*

*Copy of the deposition of William Wilson, midshipman.*

**W**illiam Wilson, midshipman, belonging to his majesty's ship the *Essex*, deposeseth, That when the *Marlborough* began the engagement on the 11th of February last, the *Essex* hauled her wind; that when the *Marlborough* lost her masts, the *Essex* was so far to windward, that none of the enemy's shot could come near her, and that she continued so till in the evening she wore after the admiral. And further this deponent saith not.

WM. WILSON.

Sworn before me on board his majesty's ship *Essex*, the 19th of January, 1744.

J. B. Morn. Dep. J. A.

*Copy of the deposition of Alexander Christie, midshipman.*

**A**lexander Christie, midshipman, belonging to his majesty's ship the *Essex*, deposeseth, That when the *Namur* and *Marlborough* began the engagement the 11th of February last, the *Dorsetshire* and *Essex* bore down after them, and fir'd upon the ship a-stern of the Spanish admiral: that some of the enemy's shot at first went over the *Essex*, and one hit her; but that presently after she hauled so far out of the line, that the shot which flew over the *Rupert* (which was on her lee-quarter) fell far short of her; and that she

con-



continued so till evening. And further this deponent saith not.

ALEX. CHRISTIE.

Sworn before me on board his majesty's ship  
the *Essex*, Jan. 19, 1744.

J. B. Morn. Dep. J. A.

*Copy of the deposition of Anthony Stanley, midshipman.*

**A**Nthony Stanley, midshipman, belonging to his majesty's ship the *Essex*, deposeth, <sup>hit</sup> in the engagement which happen'd on the 11th of February last, the *Essex* began to fire on the ship a-stern of the *Real* for a short time, and then hauled her wind, and lay above gunshot from the enemy for a considerable time, firing a gun now and then to see if it would reach the enemy; nor did she afterwards engage till in the evening she wore after the admiral. And further this deponent saith not.

ANTHONY STANLEY.

Sworn before me on board his majesty's ship  
the *Essex*, Jan. 19, 1744.

J. B. Morn. Dep. J. A.

*Copy of the deposition of John Reyner, midshipman.*

**J**ohn Reyner, midshipman, belonging to his majesty's ship the *Essex*, deposeth, That when the admiral began the engagement on the 11th of

of February last; the Essex bore down in a good line on the ship to leeward of the Real, and fir'd upon her for better than a quarter of an hour; then hauled her wind, and lay about three hours more than gun-shot from the enemy. And further this deponent saith not.

JOHN REYNER.

Sworn before me on board his majesty's ship  
the Essex, Jan. 19, 1745.

J. B. Morn. Dep. J. A.

*Copy of the deposition of Henry Costabadie, mid-  
shipman.*

**H**ENRY Costabadie, midshipman, belonging to his majesty's ship the Essex, deposeth, That in the engagement of the 11th of February last the Essex began to fire on the ship to leeward of the Spanish admiral, and continued it for some small time, but soon hauled her wind out of the line; that when he (the deponent) saw three or four guns (fired by the captain's orders) fall short of the enemy, his curiosity led him upon deck, where he heard the captain ask mr. Pallisser's advice; who, after looking about him a little, advis'd the captain to bear down: to which he answer'd, Them five ships will rake us to pieces. Then mr. Myers the master said, Blood, sir, or Blood and wounds, sir, what do you think the ships a-stern will be doing? if we bear down, they will follow us. To which the captain returned no Answer, but walk'd aft into the gallery. This deponent further saith, That  
when-



whenever he observed the captain he appeared with a downcast, melancholy countenance, far from his usual manner. And further sayeth not.

Henry Costabadie.

Sworn before me, on board his majesty's ship the Effex, the 19th day of Jan. 1744.

J. B. Morn. Dep. J. A.

*Copy of the deposition of Thomas Townley, midshipman.*

**T**homas Townley, midshipman, belonging to his majesty's ship the Effex, deposes, That soon after the said ship began to fire on the enemy, the 11th of Feb, last, the yards were braced and she hauled her wind, and then lay for a considerable time above gun-shot from the enemy.

This deponent further saith, That when the Marlboro's masts were carried away the men were quite mad to go down to her assistance, and cried out, Is it not a shame to lie in that condition, when one of their own ships were in such distress? And further this deponent sayeth not.

Thomas Townley.

Sworn before me, on board his majesty's ship the Effex, 19th of Jan. 1744.

J. B. Morn. Dep. J. A.

*Copy of the deposition of Jonathan Brown, mid-  
shipman.*

**J**onathan Brown, midshipman, belonging to his majesty's ship *Essex*, deposeth, That soon after the said ship began to fire on the enemy, the 11th of Feb. last, the yards were braced and she hauled her wind, and then lay for a considerable gun-shot from the enemy, and that the shot which flew over the *Rupert* (which ship was on the lee-quarter) fell very far short of the *Essex*.

This deponent further saith, That when the *Marlboro's* masts were carried away the men were quite mad to go down to her assistance, and cry'd out, It was a shame to lie in that condition when one of their own ships were in such distress. And further this deponent sayeth not.

Jonathan Brown.

Sworn before me, on board the *Essex*, 19th  
of Jan. 1744.

J. B. Morn. Dep. J. A.

*Copy of the deposition of Thomas Howard, quar-  
termaster.*

**T**homas Howard, quartermaster, belonging to his majesty's ship *Essex*, deposeth, That almost immediately after the said ship began to fire, the 11th of Feb. last, the helm was put a-lee, and that she kept going from the enemy till she got out of gun-shot, and then continued



so a long time, only firing a gun now and then, to see whether it would reach the enemy. And further this deponent sayeth not.

Thomas Howard.

Sworn before me, on board his majesty's ship  
Essex, the 19th of Jan. 1744.

J. B. Morn. Dep. J. A.

*Copy of the deposition of George Ward.*

**G**eorge Ward, trimonier, belonging to his majesty's ship the Essex, deposeth, That soon after the said ship engaged, on the 11th of Feb. last, the helm was put a-lee, and that the ship kept going from the enemy till she was out of gun-shot, and continued so till the admiral wore down in the Evening. And further this deponent sayeth not.

George Ward.

Sworn before me, on board his majesty's ship  
Essex, 19th Jan. 1744.

J. B. Morn. Dep. J. A.

*Copy of the deposition of mr. Charles Crosbie.*

**L**ieutenant-colonel Crosbie, of the honourable colonel Graham's regiment of foot, voluntarily maketh oath, That on the 11th of February last, the day of the fleet's engagement off Toulon, he was on board his majesty's ship the Essex, captain Richard Norris commander; that

the deponent was not off of the said ship's quarter deck during the whole time of the engagement, but was constantly with the said captain Norris, and therefore as well or better to judge of his personal conduct as any other could be; and this deponent maketh oath, That he did not once observe in captain Norris any signs of fear or cowardice, but on the contrary, that he did, to the best of this deponent's opinion, make a just and good disposition in his ship for a defence against the enemy: That he gave all his orders in a distinct and punctual manner, without confusion or sign of fear: That he (the deponent) did not once see captain Norris bob or shelter himself in the gang-way, which he (the deponent) thinks is absolutely impossible for captain Norris to have done, without his (the deponent's) notice, but on the contrary, to the best of his knowledge and belief, captain Norris did not once quit the quarter-deck: That he did not see or hear lieutenant Jekyll, or any other officer, use any perswasion to captain Norris to bear down, which the deponent verily believes he must have heard, had any such been used. This deponent further declares, that just after the Marlborough's being disabled, lieutenant Bentley came under the Essex stern, and proposed to captain Norris to bear down, upon which he asked twice over if it was the admiral's orders to bear down? and was both times answered no. Capt. Norris then desired lieut. Bentley to let a signal be made on board the Namur as soon as he got on board her, if it should be the admiral's pleasure for the Essex to bear down, (or words to that



that purpose;) that then capt. Norris sent for his lieutenants upon the quarter-deck, and asked their opinions concerning bearing down, and that the said lieutenants were of opinion that capt. Norris could not break the line, unless the signal was made from the admiral for him so to do.

This deponent further saith, that he has read a copy of a letter said to be sent to admiral Mathews from lieut. Jekyll, and that the aspersions thrown on capt. Norris in the said letter, are, in this deponent's judgment, scandalous, false, groundless, and malicious. And this deponent further saith, that he did not see or hear of any murmuring, or discontent, either among the officers or company of the said ship, upon any account; but on the contrary all the lieutenants were in a good harmony with capt. Norris, as well the day before as after the engagement, and as long as he, this deponent, continued on board: And this deponent further adds, that a day after the engagement lieut. Pallisser went on board the admiral's ship, and on his return was asked by the deponent how the admiral did, as it was feared by some people that the admiral was dead; and lieut. Pallisser reply'd, that he (the admiral) was very well, and satisfy'd with our conduct, meaning the Essex's, or words to that purpose.

Charles Crosbie.

Sworn before me, on board his majesty's ship  
Torbay, this 28th of Jan. 1744.

J. B. Morn. Dep. J. A.

*Copy*

*Copy of the deposition of John Brown, lieutenant  
of marines.*

**J**ohn Brown, a first lieutenant of the honourable colonel Powlett's regiment of marines, maketh oath, That he commanded a detachment of the said marines, on board his majesty's ship the Essex, on the 11th of February last, the day of engagement off of Toulon; and that capt. Richard Norris, commander of the said ship, did, to the best of this deponent's judgment, make a good and just disposition of his officers and men, in order for a defence against the enemy; and did, during the whole time of the engagement, carefully and punctually deliver his orders to his officers; nor did this deponent once observe the said capt. Norris to quit the deck, or bob, or shew any signs of fear or cowardice, but on the contrary, he behaved, to the best of this deponent's judgment, like a soldier and a man of honour. And this deponent further saith, that altho' captain Norris and himself were not upon the footing he, the deponent, could have wished, yet he thinks himself obliged to declare that the aspersions thrown on capt. Norris, in a letter said to be sent by lieut. Jekyll to admiral Mathews, are, in his opinion, unjust, cruel, and malicious.

John Brown.

Sworn before me, on board his majesty's ship  
Torby, this 28th of Jan. 1744.

J. B. Morn. Dep. J. A.

*Copy*



*Copy of the deposition of Moses Ferrin, boatswain's mate.*

**M**oses Ferrin. boatswain's mate of his majesty's ship Essex, maketh oath, That on the 11th day of February last, the day of the engagement off cape Seicie, being quarter'd captain of the first gun, and its opposite on the quarter-deck; that captain Norris, in the beginning of the action, encourag'd the whole ship's company to behave like Englishmen; and gave the first lieutenant orders to keep the people to their quarters, and if any deserted them, to cut them down: that the said captain behaved the whole time of the engagement with great courage and conduct, and without the least shew of fear or cowardice, nor was the least confus'd; but issued his orders in a brave, undaunted manner, and frequently spoke to us at our quarters to this intent; Mind, my good boys, and take good aim, and don't fire your shot in waste; that he heard captain Norris speak to the master, to the intent to bear down and engage the Spanish ship under the Real's lee-quarter; but the master (who was then standing on the heel of the top-mast in the booms, and looking at our fleet a-stern) objected to it, saying, it was better to stay till mr. Lestock was come up; for in bearing down now, he said, we shall have the five sail all upon us.

He further declares, That when admiral Mathews bore down in the evening he heard captain Norris order the helm a-weather, to hoist the jib, and ware-ship; and says, he never heard

heard any orders given by the captain during the whole action, to tack ship, nor did perceive the least motion made for that purpose: that when admiral Mathews bore down, we did the same after him, and kept a continual fire at the enemy till dark, being then about musquet-shot from the enemy; that at the same the master call'd him away from his quarters, telling him, that he must fire no more, for he could not hit the enemy: the captain then said, My lads, if you can hit them, do. This deponent further says, that he did not see lieutenant Jekyll upon the quarter-deck the whole time of the action; but that he observ'd him to say to the people that were quarter'd to the guns on the upper deck about him, to the best of my remembrance, that he was 32 years old, but that he did not know he should live to see the engagement out; at the same time he said, mr. Jekyll look'd much dejected, and stood in a fearful posture, with his sword pointed to the deck; that the said lieutenant Jekyll's letter to admiral Mathews against captain Norris is entirely false and malicious, and done only with a design of endeavour to prejudice him. And further saith not.

MOSES FERRIN.

Die 10 Jan. 1745.

*Juravit & firmavit coram me,  
Olivar & Pardo, com. vice-admiral.*

WILL. ROWLEY.

*Copy*



*Copy of the deposition of John Gillespy, quarter-master.*

**J**ohn Gillespy, quarter-master of his majesty's ship Essex, maketh oath, That on the 11th of Feb. last, the day of the engagement off Toulor, he was quartered to the cunn on board the same ship, and when the signal was made to engage, capt. Norris, commander of the said ship, encourag'd them all to behave as Englishmen, and the whole time of the engagement behaved with bravery and composure, and issued his orders in a punctual manner without confusion, or shewing any signs of fear or cowardice; that I heard the said captain Norris propose to the master to bear down to attack the ship a-stern of the Spanish admiral, which the master objected to, saying, that we should have the fire of the five Spanish ships coming up.

That when admiral Mathews bore down in the evening, I heard our captain order the helm to be put a-weather, and the jib to be hoisted, and that we immediately wore ship; and that captain Norris did not shew the least intention or inclination to tack, which Mr. Jekyll falsely accuses him with; and that immediately we wore, and kept a continual fire within about a musket shot of the enemy a-stern of the Namur, and to the leeward withal; neither did captain Norris make any sail to get off, but continued firing till night put an end to the engagement.

This deponent further saith, That the said captain Norris did not, during the engagement,

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shelter

shelter himself in the gangway, which place was worse barricaded than any other upon deck, and the worst place in the ship above the upper deck that a man could fly to for shelter; that there were but two tires of hammocks, those very indifferently stowed, and much settled by people's footing on them to get up the main shrouds. That he neither saw lieutenant Jekyll or any other person go to, or persuade captain Norris to bear down, nor did he observe any murmuring or discontent among the people.

And it is the opinion of the said deponent, that if lieutenant Jekyll had acted like an officer, we might have gotten the vessels out which were burnt at Cassé; and that when lieutenant Jekyll was sent to set fire to the said vessels, he sent me the said deponent, to set them on fire; for he never offered to go on board the vessels to see them set on fire, but kept in the boat under the quarter of the said vessel, calling to us to make haste to come away.

And this deponent further saith, that the aspersions thrown on captain Norris, by a letter said to be sent by lieutenant Jekyll to admiral Mathews, are very unjust, false, and malicious. And further saith not.

JOHN GILLESPIE.

*Die 10 Januarii 1745j uravit & firmavit  
coram me*

Oliver & Pardo, Com. Vicead.

William Rowley.

*Extract*



*Extract of a letter from vice-admiral Rowley to Mr. Corbet, dated the 8th of February 1744, relating to the tryal of captain Norris at a court-martial.*

**A**greeable to their lordships commands I have assembled a court-martial, to enquire into the conduct and behaviour of captain Richard Norris on the 11th of February last, which began the 28th of last month, and did not end untill the 5th instant; the proceeding whereof are so prolix, that it will be impossible for me to send them for their lordships information by this opportunity, but shall without fail do it by the first safe conveyance.

*Copy of a letter from mr. Morn to mr. Corbett, dated the 20th of February, 1744.*

*Torbay, Mahon-harbour, Feb. 20, 1744.*

SIR,

**I**nlosed you will receive the proceedings of the court-martial held in pursuance of an order from the right honourable the lords commissioners of the admiralty, dated the 28th of November last, to vice-admiral Rowley, to enquire into the conduct and behaviour of captain Richard Norris, on the 11th of February, 1744. I am,

Sir,

Your most obedient  
humble servant,

F 2

J. B. MORN.

*Copy of a letter from lieutenant Jekyll to mr. Corbett, dated the 6th of February, 1744.*

*Essex, in Mabon-barbour, Feb. 6, 1744.*

SIR,

**A**S my character is so highly concerned, I beg leave to lay before you my proceedings against captain Richard Norris.

On the 11th of February, 1743-4, being the day of the engagement between our fleet and the united fleets of France and Spain, captain Norris's cowardice was so flagrant, that I had great reason to suppose admiral Mathews would have called him to an account; but waiting a considerable time and finding no such thing was done, I thought it my indispensable duty to be his accuser, as I was fearful of the detriment that might accrue to my king and country, by employing such a person. Immediately upon the accusation he quitted, upon pretence of his ill state of health, being seized with the gout in five or six hours after, a malady he was a stranger to before, nor never has been acquainted with since. This I think was a plain indication of his guilt.

Some months after, being stirred up by his friends, he complained to the right honourable the lords of the admiralty of false aspersions, and desired his conduct might be enquired into; in pursuance of which I was informed by admiral Rowley he had received an order from their lordships for the same, and order'd me to attend (at a court-martial held for that purpose) as an evidence, to

answer



answer to such questions as captain Norris and the court should think proper to ask me.

I answered I would attend, but denied entering as an evidence, and begged leave, as I was the accuser, I might still be esteemed as such, which was absolutely denied me; so that if it had not been for some people in the ship, and the lieutenants of the Marlborough, who were prompted by the zeal they had for their country's honour, to voluntarily offer themselves, there would not have been any person appeared against him. He on the contrary was allowed as many evidences as he could procure, which he obtained by the most illegal and indirect methods, such as making publick treats and entertainments; and every body who is acquainted with our common seamen, know the powerful effects of liquor; he likewise intimidated them by giving out an assurance of his being acquitted, and after that should have the Barfleur or Essex; but said he would prefer the latter to serve his friends.

As their lordships no doubt will have the whole proceedings transmitted to them by admiral Rowley, I confide in their impartiality; and don't doubt they will consider how a set of poor creatures may be influenced when the heads of them, who ought to be men of honour, have sworn to falsities, particularly his father-in-law colonel Crosbie, and the gunner; the former, their lordships will find, having sworn there was a consultation of the officers upon the quarter-deck, which there is not one of his own evidences but what denies, and is so false, that for a proof to the contrary, the third lieutenant  
never

never was from his station on the lower-gun-deck. As for the latter, after firing the first broadside, he went down into the magazine, and there continued during the whole action; yet pretends to give a particular account of all that passed in it. I could relate many other things, but fear I have already trespassed upon your patience.

If multiplicity of witnesses prevails, had I been admitted on the part of the king, I could have brought a majority; but I hope what the lieutenants of the Marlborough offer, may meet with regard, as they were great sufferers by captain Norris's not doing his duty, and people that can't in the least be suspected of malice, as he would insinuate his own officers are. I beg you will lay this before their lordships, and you will very much oblige,

SIR, your most obedient

humble servant

EDWARD JEKILL:

To Tho. Corbett, esq;

*Copy of a letter from lieut. Pallisser, lieut. Gare,  
and lieut. Peyton, to mr. Corbett, dated  
February the 7th, 1744.*

*Essex, Mahon-barbour, Feb. 7, 1744.*

SIR,

WE doubt not but their lordships will receive from admiral Rowley an account of



of the proceedings of the court-martial for enquiring into captain Norris's conduct, in the engagement on the 11th of February, 1744, by which their lordships will see how we acted on that occasion; and hope their lordships will be convinced we are actuated by no other motive than that of doing justice to our country, and not by prejudice and malice, as captain Norris seems to intimate in his defence. But if on their lordships consideration of the circumstances (after the proceedings of the court-martial are transmitted to them from admiral Rowley) they should think there remains any doubt of the truth of what we have asserted, we humbly beg their lordships will be pleased to cause us to be acquainted with it, and order us to take such methods as they shall judge necessary to prove that captain Norris did not do his duty that day. This could readily have been done at the late court-enquiry, had we been permitted to have summoned witnesses to that purpose, which we requested of the court, but not granted. Therefore as no accuser was admitted against captain Norris, no witnesses were examined but such as he summoned, except us, and a few gentlemen more, who thought it their duty to offer themselves jointly with us, to do justice to our country. The reason of no more offering themselves may be easily accounted for, few people chusing to hazard their interest by accusing a man of such interest as captain Norris; but as honour and justice has been the basis of our conduct,

duct, we are confident this affair will not prejudice us with their lordships. We humbly beg leave to lay before their lordships a list of gentlemen who are capable of giving an account of the station the Essex kept during the late action; they are people of untainted reputation, therefore their lordships may depend on an impartial account from them, as there can be no room to think it proceeds from malice, whenever their lordships will please to order them to be examined on that head. Further, we hope their lordships will be convinced of the justness of the intentions of the lieutenants of the Marlborough, whose generous concern for the interest of their country prompted them to write a letter to Rowley, a copy of which we have already sent you by the Newcastle, which we desire you will lay before their lordships; and if their lordships on further information should judge it necessary to order that part of the ship's company which has been too honest to be suborned by capt. Norris, to be examined, they will find their sentiments to be the same as ours. This we beg you will read to their lordships: and believe us to be with great regard,

S I R,

Your most obedient,

humble servants,

Hugh Palliser.

Hamilton Gore.

Joseph Peyton.

F I N I S.



